

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2006-127712-001 DT

06/28/2006

HONORABLE JAY L. DAVIS
FOR COMMISSIONER SHELLIE SMITH

CLERK OF THE COURT
L. Franco
Deputy

FILED: 07/10/2006

STATE OF ARIZONA

CYNTHIA L GIALKETSIS

v.

KEVIN SHANE MCCULLOUGH (001)
DOB: 2/4/1986

GEORGE C PETERS

APO-SENTENCINGS-CCC
APPEALS-CCC
DISPOSITION CLERK-CSC
RFR
VICTIM SERVICES DIV-CA-CCC

SUSPENSION OF SENTENCE - PROBATION GRANTED

9:31 a.m.

State's Attorney:	Mary McGary
Defendant's Attorney:	George Peters
Defendant:	Present

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Based upon the information provided, the Court finds probation to be mandatory pursuant to A.R.S. Section 13-901.01(F) due to the fact that this is the Defendant's second drug conviction. The Court further finds probation to be appropriate due to the nature of this offense and the Defendant's need for supervision and for drug treatment.

Count(s) 1: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1 Possession of Marijuana
Class 6 Undesignated Felony

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2006-127712-001 DT

06/28/2006

A.R.S. § 13-3401, -3405, -3418, -701, -702, -702.01, -707, -801, -802, -901.01(D) and 13-901.01(F)

Date of Offense: 5/18/2006

Non Dangerous - Non Repetitive

IT IS ORDERED suspending imposition of sentence and, under the supervision of the Adult Probation Department (APD), placing the defendant on probation for:

Count 1 Probation Term: Three (3) years

To begin 6/28/2006.

IT IS ORDERED that probation in this cause shall run concurrent with probation in CR 2005-006946-001DT and CR 2006-129928-001DT.

Conditions of probation include the following:

Condition 16 - Restitution, Fines, and Fees:

FINE: Count 1 - Total amount of \$1350.00, which includes surcharges of 80%, payable \$25.00 per month beginning 9/1/2006.

Fine is to be paid to the Arizona Drug Enforcement Fund.

ASSESSMENTS:

Count 1: PROBATION SURCHARGE: \$5.00

Count 1: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00.

All amounts payable through the Clerk of the Superior Court.

Condition 17 - Not consume or drink any substance containing alcohol.

Condition 19 - Count 1: Complete 24 hours of approved community work service at a minimum rate of 6 hours per month beginning as directed in writing by the Adult Probation Department.

Condition 24 - Participate and cooperate in any counseling or assistance as directed by the APD as noted in the Uniform Conditions of Supervised Probation.

Condition 25 - Abide by the Special Conditions of Probation as noted on the attachment to the Uniform Conditions of Supervised Probation.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2006-127712-001 DT

06/28/2006

IT IS ORDERED granting the Motion To Dismiss the following: Counts 2, 3, and if applicable to this case, the State will not allege that the defendant has any prior felony convictions pursuant to A.R.S. § 13-604 or that he was on probation parole at the time of offense pursuant to A.R.S. § 13-604.02.

IT IS FURTHER ORDERED Defendant be released from custody for this case only.

The presentence investigation report is filed under CR 2005-006946-001DT.

9:49 p.m. Matter concludes.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2006-127712-001 DT

06/28/2006

Defendant's thumbprint is permanently affixed to this sentencing order in open court.

/s/ HONORABLE JAY L. DAVIS
JUDICIAL OFFICER OF THE SUPERIOR COURT

(thumbprint)